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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his mission to Brazil, from 6 to 17 June 1995, submitted pursuant to Commission on Human Rights resolutions 1993/20 and 1995/12

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INTRODUCTION

A. Purpose of the mission

1. In accordance with the mandate laid down in Commission on Human Rights resolutions 1993/20 and 1995/12 and by agreement with the Brazilian Government, the Special Rapporteur visited Brazil from 6 to 17 June 1995. The purpose of the mission was to obtain reliable information on the relations between the various ethnic and racial components of Brazil. Since Brazil is perceived by the international community as a positive example of ethnic and racial integration, that country was chosen primarily on the basis of the Special Rapporteur's comprehensive approach to the discharge of his mandate as he had indicated in his previous reports to the Commission and the General Assembly 1/ namely that contemporary forms and manifestations of racism and racial discrimination should be sought in the developed countries as well as in the developing countries.

2. On the face of it, this mission could have become a mere exercise in elucidating a situation that appears to be quite familiar and might have been presented as a reference model for countries facing the problem of racism and racial discrimination and seeking to manage their pluralism or cultural mixing. On the other hand, by immersing himself in the Brazilian social context, albeit temporarily, perhaps the Special Rapporteur could gain different insights or even a more objective understanding of the issue of racism and racial discrimination as it may arise in Brazil. With his experience in the study of Afro-Brazilian and Amerindian cultures (as a former programme specialist and later Director of the UNESCO Division for the study of Cultures, perhaps he could endeavour to bring a fresh approach to the understanding of a complex sociological context. Such complexity is itself the product of a specific economic, sociocultural and political history. This mission was therefore undertaken in a spirit of openness and sympathetic curiosity, against the background of contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

B. Chronology of the mission

3. The Rapporteur arrived in Brasilia on 6 June 1995 and travelled successively to Belem (State of Pará), Salvador (State of Bahia), São Paulo (State of São Paulo) and Rio de Janeiro (State of Rio de Janeiro).

4. In Brasilia, the capital of Brazil and seat of the Government and federal institutions, the Special Rapporteur had the honour to speak with Mr. Luiz Felipe Lampreia, Minister for Foreign Affairs; Mr. Nelson Jobim, Minister of Justice; and Mr. José Sarney, former President of the Republic, President of the Senate. He also met Mr. Cristovam Buarque, Governor of the Federal District of Brasilia; Mr. Edson Machado, Adviser to the Minister of Education; Mr. Antonio Augusto Anastasia, Executive Secretary of the Ministry of Labour; Mr. José Carlos Seixas, Executive Secretary of the Ministry of

Health and Mr. Joel Rufino dos Santos, President of the Palmares Cultural Foundation attached to the Ministry of Culture. He also held a working meeting with the congressional Human Rights Commission attended by deputies Nilmario Miranda, President of the Commission, Roberto Valadao, Domingos Dutra and Gil Ney Viaha. He also spoke with Senator Beni Veras, President of the Senate Social Affairs Commission. In the context of cooperation between functions and institution, the Special Rapporteur wishes to mention that he had a very instructive meeting in Brasilia with Mr. Lindgren Alves, Head of the Directorate of Human Rights of the Ministry of Foreign Affairs and member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Mr. Paulo Sergio Pinheiro, Special Rapporteur on the human rights situation in Burundi.

5. In Salvador, capital of the State of Bahia, the Special Rapporteur had talks with several State authorities, including Mr. Paulo Ganem Souto, Governor, Mr. Luiz Antonio Vasconcellos Carreira, Secretary for the Plan, Science and Technology, and Mr. Edilson Souto Freire, Secretary of Education.

6. In São Paulo, the capital of the State of São Paulo, the Special Rapporteur met with Mr. Belisario dos Santos, Secretary for Justice and Public Security, Mr. Antonio Carlos Arruda, President of the Council for Black Community Participation and Development of the State of São Paulo and Mr. Dermi Azevedo, representative of the State of São Paulo to the Council for the Defence of Human Rights.

7. At all these places, the Special Rapporteur visited or received representatives of non-governmental organizations, whether community-based or not, working for the promotion and protection of human rights in general, on the combating of racism and racial discrimination in particular. Thanks to the sponsorship of the Centre for Cooperation for Grass-Roots Activities, he was able to visit the Pedreira and Lagartixa *favelas* on the outskirts of Rio. Those visits served to demonstrate that the *favelas* are symbols of the widespread social breakdown and racial divisions in Brazil as will be shown below.

8. During his visit to Brazil (the itinerary and a detailed programme of the mission are contained in the annex), the Special Rapporteur was assisted by an official from the Legislation and Prevention of Discrimination Branch of the Centre for Human Rights; he was also helped by two interpreters assigned to the mission by the Conference Services Division of the United Nations Office at Geneva.

9. The Special Rapporteur would like to convey his gratitude to the Brazilian authorities for their cordial welcome and openness, which facilitated his mission. It was with great interest that he took part in the working meetings with the federal and State institutions and with non-governmental organizations, with which he had valuable and very instructive exchanges, in an atmosphere of unfailing friendliness and support.

I. OVERVIEW OF BRAZIL

A. Historical, geographic, economic and social overview

10. Brazil is a federative republic comprising 25 states and one Federal District, Brasilia, divided into five major regions - North, North-east or Nordeste, Centre-west, South-east or Sudeste, and South (see Figure 1). 2/ It has a surface area of 8,511,966 km^2, which makes it the fifth largest country in the world.

11. Brazil was colonized by the Portuguese from 1500 after the Tordesillas arbitration, 3/ and became independent in 1822. Its history is marked by three successive economic cycles which, without fully explaining the complexity of Brazil's sociological, geopolitical and economic situation, provide us with analytical tools:

the sugar cycle (sixteenth and seventeenth centuries);

the gold cycle (eighteenth century);

the rubber, cotton and coffee cycle (nineteenth century).

These cycles have determined the settlement and organization of the country and have changed the regional balance according to the commercial importance of one or more crops and the economic emphasis at the time. From the sixteenth to the twentieth century, for example, the centre of the country moved from the North-east to the South-east and South whereas the North and Centre-west emerged as pioneer zones, a fact which had an impact on political and social relations and on the ethnic and racial geography of the country. The first cycle is particularly important to this study since it laid the bases for Brazilian society.

12. In the North, at the mouth of the Amazon, the first Portuguese encountered Indian peoples. Before subjecting and exploiting them, they cooperated with them in the trading of a redwood from the Amazon forest, the *pau brasil*, which was to give the country its name; it was not long before that product was supplanted by sugar. Sugar cane, which was introduced from the Indies, found the climate and soil in the North-east ideal, and it was in order to grow this crop, for which Indian labour was inadequate, that the Portuguese, in 1532, began the trade in African slaves from the Gulf of Guinea, Angola and Mozambique.

13. On the basis of sugar cane, which was the distinguishing feature of the first cycle, there arose an economic, social and geographic network that is still discernible in the structure of the North-east and influences the other regions of the country. This network supported an economic complex that grew up around the large sugar plantations, which were both agricultural and proto-industrial and took their name from the sugar mill (*engenho*) which was the hub of the plantation but was also linked to trade and the world market. The social structure, on the plantation itself, was also an unequal one, linking the *casa grande*, the master's house, and the *senzala*, the slaves' quarters, in a relationship of power, exploitation and patronage. One cannot

The five regions of Brazil,
the States and their capital cities

Source: Théry (Hervé): Le Brésil, Paris, Sao Paulo, Masson p. IO.

Figure 1

fail to mention the carnal ties between master and slave which produced the first people of mixed parentage and were the origin of one of the features of modern Brazilian society. 4/

14. It was this early period, with the mingling of Amerindian, European and African stock, that saw the beginnings of the demographic complexity of Brazil, characterized by a long process of miscegenation between these three population groups, while physiological miscegenation was largely the result of domination and at times rape, a cultural miscegenation also occurred. The dominant framework and the structure of production were European, but many cultural features of the subordinate groups became assimilated: the Indians' legacy was the growing of cassava, the use of the hammock and a large number of place names. The African introduced gardening and metalworking techniques, cooking, music and religions, which even today make the North-east a unique cultural aggregate in Brazil.

15. The gold cycle followed that of sugar, the price of which fell to a low point on world markets because of competition from British and French output. As a result, both free men and slaves were attracted to the mines in the State of Minas Gerais, in the South-east region, a process that contributed to the gradual decline of the North-east, symbolized by the transfer of the colonial capital from Salvador to Rio de Janeiro in 1763.

16. It was this period that saw the beginning of the dependency between the North-east and the South-east and South. As the North-east became progressively marginalized, the country's centre of gravity would move south, a trend that intensified with the expansion of coffee growing which would ensure the economic prosperity of the South-central area. The coffee cycle was not a delayed repetition of the sugar cycle from the point of view of plantation management since the slave system was being challenged and the abolition of slavery in 1888 was to lead to the replacement of slave labour by a wage-earning or contractual labour force, largely made up of European emigrants.

17. Some people take the view that the process of exclusion of Blacks, Indians and people of mixed parentage from the country's economic and social life began during this period - since nothing had been done to integrate the former slaves - and was intensified by the industrialization of the country (principally in the South and South-east in the twentieth century) and by the increasing numbers of immigrants from Europe, but also from Asia (especially Japan). By acquiring or receiving land and by obtaining skilled jobs or establishing businesses, these immigrants were to form a prosperous, predominantly white Brazil in the South-east and South, as opposed to the poor regions of the North and North-east, whose interbred populations came to swell the *favelas* of Rio and São Paolo. 5/ Regional imbalances, the product of a history of contrasts, have also engendered ethno-sociological imbalances.

18. The African contribution is particularly evident in the old plantation areas, where there had been a concentration of African slaves. The sugar cane cycle had left a large Black and Mulatto population in the North-east, especially Pernambuco and Bahia and in part of the South-east, Rio de Janeiro. These population groups are also found, to a less concentrated degree, in the State of Minas Gerais, where the gold and mining cycle had brought many slaves

and former slaves in the eighteenth century. Finally, the same phenomenon is found in the State of São Paolo, on the old coffee plantations closest to the coast, which prospered in the time of slavery; in that state, the African element of the population is occasionally strengthened by immigration from Bahia.

19. On the other hand, in the states of the South, Paraná, Santa Catarina and especially Rio Grande do Sul, the African element is so diluted that it is often hardly perceptible. There have never been many Blacks in Rio Grande do Sul, where the predominant activity, stock-raising, required a very small labour force and the harsh climate was not conducive to Black settlement. The population in that region is close to the purely European type. In the interbreeding that does exist, however, the Indian element is much more significant than the African; it has had a greater impact than colour on European facial features.

20. Similarly, people of African descent do not appear to be very numerous in western Brazil, or especially in the North, but the Indian racial type is found there in greater numbers than anywhere else, and the Portuguese-Indian mix, in the Amazon region in particular, is often the predominant type.

B. Political overview

21. Brazil's recent history has been marked by a succession of military dictatorships. From 1889, the date of the overthrow of the Empire, to 1982, when democracy was established, the military have had a very strong hold over the country's political life. The 1988 Constitution, the outcome of a hard-fought struggle by the Brazilian people, is manifestation of an unprecedented democratic revival; it guarantees the effective operation of the federal and local political institutions while safeguarding the people's rights and fundamental freedoms. Accordingly, the Government headed by President Fernando Henrique Cardoso, who was elected in October 1994, is endeavouring to reduce the social inequalities that threaten the stability of the State and to resolve the problem of access to land for large numbers of small farmers faced with the monopoly of land tenure by the major landowners.

C. Human rights overview

22. The 1988 Constitution guarantees civil and political as well as the generally recognized economic, social and cultural rights. Brazil is also a party to numerous regional and international instruments, including the American Convention on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Convention, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

23. Brazil's recent human rights situation, however, has featured massacres of street children - in particular the massacre of seven children of between 11 and 19 years of age in front of the Candelaria church in the centre of Rio de Janeiro in 1993 - by death squads with well documented links with

the regular law enforcement agencies; 6/ these events are not unrelated to the purpose of the mission. Other relevant situations are the conditions of detention for ordinary prisoners, whose uprisings have often been harshly put down and the disputes over land tenure, which often lead to massacres of peasants or Indians by militias in the pay of the landowners, or by pioneers. 7/

24. Finally, the Special Rapporteur's mission comes at just the right moment to update the information on Brazil available to the Committee on the Elimination of Racial Discrimination, since Brazil's last periodic report was in 1986.

II. RACISM AND RACIAL DISCRIMINATION THROUGH DENIAL

25. It is generally stated officially that there is no racism or racial discrimination in Brazil because the Constitution explicitly prohibits it and because miscegenation is a fundamental aspect of the Brazilian population and an essential component of the country's multiracial democracy.

A. Preliminary observations

26. The appearance of ethnic and racial cohesion in Brazil conceals substantial inequalities between Whites, Indians, people of mixed parentage and Blacks, which are a legacy of earlier times. The situation is exacerbated by the unequal distribution of wealth. Although biological and cultural intermingling can be seen as a factor conducive to integration and stability that has helped to curb social tensions, it is also a cause of social stratification and of ethnoregional imbalance.

27. With the advent of multiracial democracy, the Brazilian authorities appear to be resolved to tackle the ethnic and racial issue directly and to usher in a society based on the equal dignity of all of its members. The political will exists, and constitutional, legal and administrative steps have been taken to that end.

B. The Constitution prohibits racism and racial discrimination

28. Officially, "Racism does not exist in Brazil. Brazil is the country with the second largest number of Blacks in the world, after Nigeria. Brazil is a multiracial country and a multiracial democracy; it is not like the United States, or like South Africa under apartheid; it has no tradition of racial hatred". However, it is acknowledged that there does exist "economic, and even social discrimination, against Blacks, Indians and people of mixed parentage: these people are not discriminated against because they are members of particular ethnic groups, but because they are poor".

29. "This is not discrimination; it is a result of Brazil's history. Brazil shows no obvious signs of racial, ethnic, religious or ideological discrimination. This is why the Government emphasizes education for all, for the entire population and all the different social strata." It is also firmly pointed out that the Constitution prohibits and condemns racial discrimination in all its forms. Title I of the Constitution of 1988 8/ states that Brazil "constitutes a democratic State under the rule of law [which] is based [...]

on the dignity of the human being. [...]" (art. 1); "The fundamental objectives [of Brazil] are the following: I. To build a free, fair and mutually supportive society; [...] III. To eradicate poverty and marginalization and reduce social and regional inequalities; [...] IV. To promote the well-being of all, without prejudice as to origin, race, sex, colour, age or any other form of discrimination." (art. 3); "[Brazil] adheres to the following principles in its international relations: [...] II. The primacy of human rights; [...] VIII. Rejection of terrorism and racism [...]" (art. 4). Article 5 of the Constitution stipulates: "The law shall punish any discrimination that undermines fundamental rights and freedoms" (para. XLI); "The practice of racism constitutes an offence for which no statute of limitations shall be applicable and for which there shall be no release on bail; it shall entail a prison term as stipulated by the law" (para. XLII).

30. "The expression 'Negro', an official in the Department of Education explains, is not negative; children are taught to see that Black people exist and that that is the way things are. Other segments of Brazilian society are referred to similarly, such as 'Germans', 'Japanese', or 'Italians', of the 'German' or 'Japanese' community or colony. We say we are 'Brazilians'. The term 'Negro', for example, only becomes derogatory when it is accompanied by an adjective, as in 'the wandering Negro' or when Blacks are denied entry to nightclubs or employment; it can even be used in an affectionate and tender sense: 'mi negrigna', my little Negress, when speaking of one's lady-love."

31. Thus there is neither racism nor racial discrimination in Brazil: it is categorically prohibited by the Constitution. The discrimination is economic and social, a product of history; it has become structural. It would correspond to what is generally described today as *exclusion*. The International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex), indicates that "the term 'racial discrimination' shall mean any distinction, *exclusion*, restriction or *preference based on race, colour, descent or national or ethnic origin* which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, *on an equal footing, of human rights and fundamental freedoms* in the political, economic, social, cultural or any other field of public life" (art. 1, para. 1). Societies today are experiencing the phenomenon of exclusion, in Europe especially, but also in some countries of Latin America.

32. In Brazil, even though racial discrimination is prohibited by the Constitution and represents an offence that is not subject to a statute of limitations, even though it is denied as a racial phenomenon, it has to be acknowledged that what is generally considered to be mere economic and social discrimination is *exclusion* based on race, colour, descent or ethnic or national origin, aimed at Indians, Blacks and people of mixed parentage. As the eminent Brazilian professor and statesman, Cristovam Buarque, Governor of Brasilia, said in his meeting with the Special Rapporteur, it is "*apartançao sociais*" that conveys exclusion, i.e. the "social apartheid" experienced by indigenous people, Afro-Brazilians, people of mixed parentage and poor Whites in the North and the South. Many people with whom the Special Rapporteur spoke feel that racism and racial discrimination exist on a frequent, even daily, basis, but have become an ordinary feature of life.

C. Miscegenation and multiracial democracy

33. Official pronouncements refer to "the uniqueness of the Brazilian people" and emphasize the biological and cultural mix that is reflected in particular in the participation of large numbers of Brazilians of all origins in the Afro-Brazilian religions practised in the *terreiros* (*candomblé*, *macumba*, *umbanda*) and in the carnival. 9/ The Brazilian authorities prefer to speak of skin colour rather than race, by using the words *branco*, *pardo* and *preto*. They are fairly reluctant to tackle the racial question head-on, either because it is problematical and embarrassing or because they feel that the question does not arise. Miscegenation has created so many gradations of skin colour that it has become difficult to classify the Brazilian population according to race and to estimate precisely the size of the various ethnic and racial groups in the population.

34. The word *pardo*, which denotes people of mixed parentage as a group and refers to the colour of most of the population, characterizes the interbreeding among the three original races (Indian, Black and White) and excludes all terms referring to miscegenation from the official classifications: *Mulato*: White-Black interbreeding; *Mameluco* or *Caboclo*: White-Indian interbreeding; *Cafuso*: Indian-Black interbreeding.

35. In other words, the authorities have made a deliberate effort over time to replace the idea of race by that of colour. This was an attempt to resolve the racial issue, since the races had no recognition as such but merged to form a unique *people of a hundred subtle tones* over whom racial prejudice had no hold. This is why the annual Carnival in Rio de Janeiro with its splendid colours is regarded as expressing the Brazilian authorities' idea of national harmony better than any integrationist pronouncement. In its 1995 Carnival song, the Viraduro Samba School echoed this idea by referring to the amazement of French painter Jean-Baptiste Debret when he discovered Brazil in 1815 in the company of a French artistic mission:

> "Quel bonheur!
>
> Je suis venu de France à l'invitation du Roi
>
> porteur de mon art et j'ai été surpris de découvrir un paradis enchanteur, où Indiens, Blancs et Noirs vivent en parfaite harmonie raciale,
>
> mettant ainsi en évidence la nature profonde de ce pays tropical"
>
> [What bliss!
>
> I came from France at the invitation of the King
>
> bearing my art and surprised was I to discover an enchanted paradise, where Indians, Whites and Blacks live in perfect racial harmony,
>
> living proof of the true nature of this tropical land". 10/

36. Was the Special Rapporteur himself equally captivated? In reply, he feels it best to refer once again to the International Convention on the Elimination of All Forms of Racial Discrimination, whose relevant provisions are quoted above. Is social preference in Brazil not based on colour? Perhaps racial prejudice has been replaced by colour prejudice? Or is there not an ambiguous relationship between these two forms of prejudice?

III. MANIFESTATIONS OF CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION AND INCIDENTS

37. As the previous chapter attempts to explain, racism and racial discrimination in Brazil are not easy to pin down because they become lost among the complexities of the country's population and are influenced by official pronouncements. For some, these phenomena are "invisible" 11/ but remain present in the political, economic, academic and scientific fields. The Special Rapporteur sought manifestations of these phenomena in daily life, in education, employment, housing and the administration of justice. He turned his attention to police violence, the situation of women "of colour", violence against children, problems of access to land for indigenous people and the Black descendants of the founders of the *quilombos*. 12/

A. An ambivalent attitude towards miscegenation

38. Brazilians are said to feel no racial prejudice, although they apparently have a keen awareness of colour, which is reflected in an ambivalent attitude towards miscegenation and which barely conceals a certain *ideological preference for whiteness*. Miscegenation, which at one and the same time carries an integrationist message - "we are all half-castes" is a common statement - and is a basis for exclusion, appears as an extension of the denial of the presence of Blacks. 13/ The word "Negro" or even "Black" is offensive and it is courteous to treat people as being whiter than they actually are. In the 1990 census, the Brazilian Geographical and Statistical Institute (IBGE) thus identified more than 100 shades of colour which the individuals questioned used to describe themselves out of a desire *to distance themselves as far as possible from the colour black*. This has given rise to an identity crisis of such magnitude among Black people that certain members of the Pentecostal Church refuse to be described as Black or Mulatto. 14/ Blacks and Mulattos are virtually absent from Brazilian iconography and from the media, 15/ so much so that when, in 1995, the O Globo television channel for the first time broadcast a series featuring Mulattos and Blacks it was regarded as a major event. Several Mulatto and Black activists informed the Special Rapporteur that carnival is extremely important to Afro-Brazilian culture because it is the only time of the year when Blacks and people of mixed parentage can show themselves without attracting the disapproval with which they have frequently had to contend over the centuries.

39. Moreover, the correlation between social stratification and the different shades of skin colour is so close that it cannot be without significance. Otherwise, how could one account for the fact that, in a country whose authorities claim it is the "second black country in the world, after Nigeria", and in which people of mixed parentage make up the majority, the Special Rapporteur met no Blacks or people of mixed parentage in positions of

responsibility except in Parliament (there is a total of 11 Afro-Brazilian deputies out of 513 in Congress) and at the Palmares Cultural Foundation, whose purpose is precisely to restore the image of Blacks and to combat the discrimination from which they suffer? 16/

40. There is a colour hierarchy in Brazil and there seems to be little doubt that a very dark colour is a handicap to social advancement. It is difficult for a Black to become a senior civil servant; he will require far more talent and effort than if his skin were lighter. Brazil does not classify people into races on the basis of juridical definitions or scientific theories; it classifies them on the basis of their physical appearance and the colour of their skin. Thus, Brazilians are not divided among themselves because between the whitest White and the blackest Black there is a whole range of nuances that reduces friction. Nevertheless, there is a degree of structural segregation on account of economic and social conditions. Thus, what most separates so-called Coloured people from Whites is a difference in their standard of living and way of life; the class barrier, which is easy to discern, thus matches the very real but more subtle colour barrier.

B. Everyday racism and racial discrimination

41. Everyday racism and racial discrimination take the form of acts of harassment which accentuate the inferiority of Blacks. For example, in luxury buildings and apartment blocks, Blacks are asked to use only service entrances and lifts. A cartoon strip produced by the "Conselho de Desenvolvimento da Comunidade Negra" of the State of Bahia 17/ depicts how Blacks may be denied access to public places such as "high-class" nightclubs; in supermarkets, they are frequently suspected of theft; they may be refused a room in a luxury hotel. If a Black is noticed in a residential district at night by a police patrol he is immediately asked to present his identity documents and to justify his presence there, as Blacks are supposed to live only in the *favelas* and on the outskirts of towns.

42. Blacks are frequently harassed by the military and civilian police or by other law-enforcement agencies. Such harassment may extend to doubting that a Black can be a police officer: the experience of Alexandre Silva de Souza, an investigator with the Anti-Drug-Trafficking Division in the State of Pará, is a revealing case in point. In December 1994 in the town of Belem, this black police officer, who was on plain-clothes duty, got on to a bus and showed his police badge in order to be exempted from buying a ticket, as police officers are entitled to do. The driver then said to him "You don't look like a police officer, you look more like a bandit; that badge is a fake." Shortly after, the bus stopped in front of a prison (Sao José) where the driver called over to some military police, saying: "There's a Black in this bus who's pretending to be a police officer." Four soldiers got on to the bus and immediately started to beat up Alexandre de Souza who shouted that he was a police officer and that he would show them his identity documents. They then took him away and continued to beat him inside the prison. He was only saved by the arrival of a radio patrol policeman (Radio Patrulha) who took him away for an identity check to the police control office. 18/

43. Such practices can be explained by the generally negative image of Blacks within Brazilian society. Being black is synonymous with being poor or a criminal, which is in itself discriminatory. The disparity between the town centres where Whites live and the outskirts, between town centres and smart residential districts, and the *favelas* where most of the inhabitants are black, testifies to a certain type of spatial segregation. The subtle nature of methods of subordination and social control also permits the preservation of unequal social relationships which marginalized populations have apparently interiorized and accepted as having a kind of fatal inevitability. The fact that modern education has not been available to them has deprived them of the intellectual tools with which to assert themselves.

C. Education

44. At the annual World Bank Conference on Development in Latin America and the Caribbean, held on 13 June 1995 at Rio de Janeiro, the Brazilian First Lady, Mrs. Ruth Cardoso, criticized the Brazilian education system which she described as "discriminatory". She drew attention to the fact that education reproduced a "racist form of society". 19/ The discrimination experienced by Afro-Brazilians in education is part of the vicious circle of poverty in which many of them are trapped and which takes the following form: material poverty - low level of education, failure at school, lack of training, unemployment or unskilled work, low wages - material poverty.

45. There are in fact private schools for rich people that provide a better education than State schools with their huge classes, although Afro-Brazilians are unable to attend them for lack of means. There are those who believe that the Brazilian education system fails to take into account the presence, history and culture of Afro-Brazilians and tends to pass on to them a sense of inferiority. This is attributable, in particular, to the fact that teaching materials fail to portray Afro-Brazilians favourably: they are only mentioned as former slaves, servants or manual workers. Afro-Brazilian culture is presented as folklore. As a result, Black children are unable to identify with the education provided and do not enjoy attending school. There is a tendency to train them for football, music and the arts, in which, one is unhesitatingly informed, they excel. So what would be the point of trying to prepare them for anything else?

46. Among children aged from 10 to 14, 87.9 per cent of White children are able to attend school, 80.8 per cent of children of mixed parentage and 77.6 per cent of Blacks. 20/ Even if they obtain a place at school, many Black children are compelled to abandon their education and do odd jobs in order help their parents meet the family's needs.

47. There are also disparities in levels of illiteracy: although 18.2 per cent of the Brazilian over-15 population is considered illiterate, in 1992 the figure was 30 per cent among Blacks; in the North-east, it may be as high as 36.4 per cent. In 1988, 87 per cent of Brazilians who had completed higher education were White. Currently, 12 Whites out of 100 attend university whereas barely one Black out of 100 does so. 21/

D. Employment

48. Employment is one field in which there is overt racial discrimination. There is virtually a racial division of labour that prevents Blacks and people of mixed parentage from practising certain professions. Popular wisdom holds that a Black can only succeed in Brazil as a footballer or samba dancer. As a result, senior-level and intermediate positions (both in the public administration and in private enterprises) are held by Whites, followed by people of mixed parentage and Blacks, who, depending on the lightness of their skin, are managers, receptionists, cashiers, waiters, caretakers, domestic employees and bus-drivers or taxi-drivers. Occupational and social mobility are extremely low among Afro-Brazilians on account of the fundamental handicap of a lack of education and training. Even if he has the same qualifications as a White, an Afro-Brazilian will be discriminated against; wording such as "wanted: person of good appearance" in a job advertisement is also an indirect way of excluding Afro-Brazilians from certain jobs. In addition, in terms of wages, a White worker earns 2.5 times more than a Black worker and four times more than a female Black worker. 22/

E. Housing

49. The majority of Afro-Brazilians live in unhealthy premises and districts, without sewers, running water or electricity. They make up the majority of the inhabitants of the *favelas* which are built of makeshift materials on the outskirts of the major cities. Each year, during the rainy season, landslides carry away shacks belonging to poor families in the *favelas* perched on the hillsides, killing many people, most of whom are Afro-Brazilians. On 31 May 1995 a landslide killed 28 people in the Arraial do Retiro district in Salvador in the State of Bahia. Most homeless people who sleep in the streets of Brazil's big cities are Black or of mixed parentage.

F. The media

50. As a rule, advertising and the media only feature White people. On television channels, the vast majority of journalists are White, in contrast with the United Kingdom and the United States where television channels have a practice of multiethnic and multicultural participation.

G. The situation of coloured women

51. The Inter-American Trade Union Conference on Racial Equality, held in Salvador on 20 November 1994, declared that Black women receive the lowest salaries (four times lower than those of a White man), are employed in the most unhealthy locations, work a triple working day and face threefold discrimination. For these reasons, Black women are a barometer of Brazilian society: the degree of political evolution of Brazilian society is directly related to the political conquests of Black women. 23/

52. The vast majority of Black women are domestic servants (for example, in the State of Bahia 90 per cent of domestic servants are black and 80 per cent of them receive less than the minimum wage of 110 reals), 24/ nursemaids or samba dancers in nightclubs. They make up the majority of the informal sector (street vendors, for example). Many Black domestic servants are ill-treated

by their employers and suffer physical and moral violence. Black women have the lowest level of education. As a result of their lack of qualifications, but also because of racial discrimination on the labour market (job advertisements frequently require people to be "of good appearance") many of them become prostitutes.

53. It has also been found that more Black women are sterilized than White women. Some people believe that this method of contraception or family planning contributes to the gradual whitening of Brazil's population. 25/ According to data provided by the Brazilian Geographical and Statistical Institute for 1986, in the State of Bahia, 75 per cent of women who had been sterilized (aged between 15 and 40) were Black or of mixed parentage, while for the country as a whole the percentage is estimated to be 61.8. 26/

54. These women, who are often poor, naturally do not wish to have any more children because they are unable to provide them with a decent standard of living, but they are not offered any alternative means of contraception; however, they may even be sterilized without their knowledge when they give birth. They are also encouraged to accept sterilization by politicians who promise to help them if they are elected; there are also material incentives (money, food) to accept sterilization, and until 1995 employers could demand a medical certificate certifying that female workers had been sterilized. 27/ This fact is also confirmed by the observations of the ILO Committee of Experts on the Application of Conventions and Recommendations which, in its report to the eighty-second session of the International Labour Conference (June 1995) noted with regard to the application of Convention No. 111, Discrimination (Employment and Occupation) Convention, 1958, "that, despite the detailed information provided on administrative and statutory provisions to ban discrimination based on sex, the Conference Committee keenly regretted that Bill No. 229/91 (prohibiting employers from requiring a medical certification attesting to the sterilization of women workers, which constitutes discrimination on the ground of sex in respect of access to employment) has still not been adopted". 28/

55. According to the explanations obtained from the Ministry of Health, sterilization of women is not an official practice encouraged by the Government. Generally speaking, contraception, including sterilization, is a method which Brazilian women have adopted voluntarily. If many women resort to sterilization, that is because it is a simple and cheap method; those who resort to it do not always consider the consequences. Significantly, it is women from the poorest sectors of the population who use sterilization, but that does not mean that there is a sterilization policy targeted at Black women. The Government has had an act against mass sterilization adopted. 29/ The Act in question is Act No. 229/91, referred to above by the ILO Committee of Experts, which has now come into force.

H. Violence against children and child labour

56. Violence against children is one of the most serious problems Brazil has to face. It mainly affects street children of Black and mixed parentage. According to a study carried out by UNICEF and the Public Prosecutor's Office of the State of São Paulo into child murders, in 1991, out of a total of 307 victims, 42.35 per cent were White, 44.63 per cent of mixed parentage

and 12.05 per cent Black. 30/ In the State of Rio de Janeiro in 1993, "Judge Siro Darlan, responsible for juvenile delinquents in Rio de Janeiro, registered 1,152 violent deaths of minors, 60 per cent of which occurred in the town of Rio alone. The majority of the victims were Coloured male children". 31/ It is no easy matter to identify who is actually responsible for these murders, although members of the military or civilian police are suspected of belonging to death squads which are responsible for most of them. The investigation into the massacre at the Church of Candelaria, in Rio de Janeiro, in July 1993 revealed the involvement of police officers in child murders.

57. Another form of violence is sexual violence against adolescent girls, the vast majority of whose victims are of Black or mixed parentage. In 1990, the Children's Department of the State of São Paulo estimated that 6 million girls, i.e. 15 per cent of Brazil's adolescent population, had suffered sexual violence. This type of violence occurs at home or outside. Many minors are also prostitutes and are thereby exposed to violence.

58. Child labour is widespread and involves many children of Black or mixed parentage. In the South-east region, the percentage of children aged between 10 and 14 who work is as follows: White: 14.99 per cent; of mixed parentage: 19.96 per cent; Black: 20.56 per cent. 32/ These children are employed in agriculture and in a variety of workshops and factories. They also work as street vendors.

59. The problem of street children is rooted in poverty. They come from the poorest sectors of the population. It is among them that the highest numbers of AIDS victims are to be found. This is a deeply disturbing issue.

I. Land ownership problems

60. Access to land ownership is a problem that affects Indians and Blacks descended from the founders of the *quilombos*. 33/ Indians face serious problems of discrimination, exclusion and extermination by colonists, the *garimpeiros* and *madeireros* (mineral prospectors and timber exploiters) who invade their lands. In 1993, there were 43 homicides, 85 attempted homicides and 600 cases of death threats. 34/ Indians are the victims of a policy of ethnic genocide which they combat almost unnoticed, although they wish to acquire their human rights and dignity.

61. The Government maintains that the Constitution contains provisions relating to the allocation of land to the indigenous populations. Within five years, all the areas which initially belonged to them will be allocated to them in accordance with the revised Constitution; the latter does not recognize indigenous people as minorities, but as indigenous populations. In response to the conflicts between them and the big companies, the Government has decided to define the boundaries of their lands and to regulate mineral exploitation. In order to protect the indigenous population, the Government monitors entry to and departure from the territories of the Amerindians, using aircraft which take photographs every six hours. In June 1995, 49 million hectares were assigned to the Indian communities; only 11 per cent of the national territory remains to be distributed.

62. An effort has also been made at rehabilitation in order to assign or restore to Black communities from the *quilombos* the land on which they live or used to live. This land is sought after by big landowners and precious metal prospectors. Research is under way to locate the lands and define their boundaries, with the assistance of the Palmares Cultural Foundation of the Ministry of Culture. The aim is to provide legal security to the descendants of the slaves who formed the *quilombos* and who nowadays live on these lands, whose boundaries have not yet been set. They are reportedly small in area, but their restitution to the Black communities would provide the latter with symbolic recognition of their contribution to Brazil's historical development. At the time of the Special Rapporteur's visit a presidential decree was being drawn up to recognize the property rights of the *quilombo* communities to their land.

J. Anti-Semitism

63. The Special Rapporteur was informed that there was no anti-Semitism in Brazil. However, in the States of Paraná and São Paulo there are neo-Nazi groups made up of skinheads and punks who attack Jews, Blacks and people from the North-east. Further research has shown them to be unstructured groups imitating foreign movements. They have been disbanded by the police.

64. One case of anti-Semitism was none the less brought to the attention of the Special Rapporteur. The incident, which occurred in April 1995, involved an employee of the Electricians' Union in São Paulo, nicknamed Pezao, who said, referring to Dr. David Zylbersztajn, Secretary of Energy for the State of São Paulo, that "a little Jew is transforming the secretariat into a synagogue; he should start selling cloth; a Jew created the world and now another one wants to end it". 35/ After the President of the Electricians' Union and the person who made the statement had offered their apologies, Dr. Zylbersztajn decided not to lodge a complaint.

IV. GOVERNMENTAL MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION

A. From the denial of race to multiracial democracy

65. The 1980s marked a genuine change in the Brazilian authorities' attitude to ethnic and racial issues. Even though the principle of the singleness of the Brazilian people is not called into question, the multiplicity of its component races and ethnic groups is acknowledged; hence the assertion of multiracial democracy and the concern of the Brazilian authorities to "construct a free, just and mutually supportive society; [to] ensure national development; [to] eradicate poverty and marginalization and [to] reduce social and regional inequalities; [to] promote the well-being of all, without prejudice based on origin, race, sex, colour, age or any other form of discrimination (1988 Constitution, art. 3). The application of these provisions, which primarily concern Indians, persons of mixed parentage and Blacks, the poorest among the poor, will eventually help to integrate them more effectively into Brazilian society.

66. The appointment of Edson Arantes do Nascimento, better known by his nickname Pele, as Minister of Sport, is an integral part of this process of

transforming Brazilian society. Nevertheless, Pele recently levelled severe criticism at Brazil's political class and called on the Afro-Brazilians to take their fate into their own hands by voting en masse for candidates from their own community at the forthcoming legislative elections. 36/

B. Constitutional guarantees and legislation against racism and racial discrimination

67. The 1988 Federal Constitution contains strict provisions to punish racism. It is supplemented by a set of laws which prohibit racism and a variety of discriminatory practices, including incitement to racial discrimination and racist propaganda, and racism in the media and publications. The following information is taken from a communication from the Government of Brazil, dated 8 May 1995:

(a) Federal Constitution of 1988 (art. 5, XLII) prohibits the practice of discrimination, of whatever nature, like racism, which, having been previously considered to be a "contravençao" (a less serious offence) was reclassified as a non-bailable crime not subject to statute of limitations;

(b) Law 1930/51: includes among the "contravençoes penais" the practice of acts motivated by racial or colour prejudice;

(c) Law 2809/56: defines the crime of genocide and punishes the destruction, in whole or in part, of national, ethnic, racial or religious groups;

(d) Law 4117/62: establishes the Brazilian Code of Telecommunications, punishing the use of communications media for the promotion of discriminatory practices;

(e) Law 5250/67: regulates the freedom of thought and information, prohibiting the dissemination, by whatever means, of racial prejudices;

(f) Law 6620/78: defines the crimes against national security, among which those of incitement of hatred or racial discrimination;

(g) Law 7716/89: deals with crimes motivated by racial or colour prejudices, regulating, thus, article 5, XLII, of the Federal Constitution;

(h) Law 7437/85; punishes practices and acts arising from racial or colour prejudice, in particular in the provision of services or in access to public places;

(i) Law 8072/90: deals with the so-called heinous crimes, which include genocide, stating that amnesty, grace, pardon, bail and provisional release are not applicable to them;

(j) Law 8078/90: deals with consumer's protection, prohibiting misleading or discriminatory advertising as well as advertising that incites violence;

(k) Law 8081/90: defines the crimes and lays down the penalties applicable to discriminatory acts or acts originating from prejudices of race, colour, religion, ethnicity or national origin, practised by the media or by publications of whatever nature;

(l) Law 8069: establishes the statute for the child and the teenager, stipulating that no child or teenager will be the object of any form of discrimination.

68. However, the effectiveness of the laws has yet to be demonstrated because the police receive very few complaints and there are very few trials for racism or racial discrimination. The most frequent racist incidents are verbal attacks or insults which, however, according to the Minister of Justice, do not lead to complaints. When cases of racism are brought before the criminal courts, it is difficult to provide proof. Accordingly, the courts endeavour to provide redress for the moral injury suffered by the victim. It has been decided to establish a category of offence defined as "the offence of insult or moral injury involving racism" or "non-pecuniary injury". Thus, in São Paulo a Black woman was the victim of a racist insult in a supermarket: the case was brought before the court which imposed a penalty for the non-pecuniary injury she had suffered. However, the fact remains that the populations that suffer racism and racial discrimination are the most underprivileged; they lack education; they are ignorant of the law; in addition, they mistrust the courts. If they are reassured, they willingly cooperate in establishing the truth. Thus, at the initiative of the Government of the State of São Paulo, a Commissariat to combat racist anti-Black and anti-Semitic crimes has been established, with which the population willingly cooperates. For example, when a Black person looking for a home replies to an advertisement and is turned down, a White person is sent; if that person is accepted, a racist act is deemed to have occurred and those involved are punished. There is also a national secretariat for citizens which deals with measures to combat racism, particularly that affecting Blacks and Jews.

C. Administrative measures

69. The following administrative measures were brought to the attention of the Special Rapporteur. Brazil is a Federative Republic with 26 States, 4,491 municipalities and the Federal District. These units enjoy administrative and political autonomy. Thus, each one develops its own action with regard to combating discrimination. The following are examples of these actions:

(a) The Municipality of São Paulo, the country's biggest city, with a 24 per cent Black population, created, in September 1989, the Special Coordinating Office for Issues relating to the Black Population;

(b) The Federal Police was directed to monitor the activities of neo-Nazi groups. Inquiries have been initiated;

(c) The Government of the State of São Paulo established a police division specialized in racial crimes, which started functioning in June 1993, following the successful experience of the police divisions specialized in women;

(d) The Government of the State of Rio de Janeiro created, in September 1994, a police division specialized in racial discrimination.

The States of Bahia and São Paulo have also created councils for the participation and development of the Black communities to enable them to design and implement economic and social projects meeting their needs.

D. Constitutional guarantees relating to Indian lands

70. Concerning indigenous populations, the Federal Constitution of 1988 dedicated to them a specific chapter (Part VIII, chap. VIII), besides addressing the matter in several other constitutional provisions. The Union has the power to demarcate indigenous lands and to protect their goods, and also to legislate on indigenous rights. Disputes involving those rights are to be considered by federal judges, the Office of the Attorney-General having the duty to defend in court the rights and interests of the indigenous populations. It is worth mentioning too Law 5371/67, which established the National Indian Foundation (FUNAI) and Law 601/73, which established the Statute for the Indian.

V. INITIATIVES BY CIVIL SOCIETY

71. The fact that allowances are made for the specific needs of Indians and Blacks in the Constitution and in legislation is due to the political and social action of numerous community and non-community associations which have recovered their voice as a result of the coming of democracy.

72. Organizations such as the Movimento Negro Unificado are trying to raise the political awareness of Afro-Brazilians in order to improve their participation and their political representation. Numerous cultural associations, many of which are linked to the *terreiros candomblé*, *macumba* and *umbanda* - in particular Olodum and Ilê Aiyê (in Salvador da Bahia), Bambarê (in Belém), the Centro de Estudios e Defesa do Pará (CEDENPA), the Sociedade Ilê Asipa (Salvador da Bahia) are endeavouring, with very limited resources, to restore the pride of the Blacks by teaching them their history and their culture, and by providing children with a modern education in the schools they set up. Others are especially concerned with the advancement of Afro-Brazilian women (the Geledes in São Paulo); with street children (the Centro de Articulaçaoes de Populaçaoes Marginalizadas in Rio de Janeiro); the Casa Viva of Father Julio Renato Lancelotti which takes in children with AIDS in São Paulo and which the Special Rapporteur made a point of visiting; its remarkable work deserves encouragement. Mention must also be made of the Grupo Mulher e Educaçao Indigena (GRUMIN) of Rio de Janeiro for its activities on behalf of Indian women. Lastly, there is the National Human Rights Movement based in Brasilia and represented throughout the Federation which is opposed to violence in all its forms and vigilantly monitors respect for human rights by the organs of the State.

73. In the *favelas*, instead of waiting passively for assistance, the inhabitants have organized themselves to ensure supplies of water, electricity and food. In Rio de Janeiro, the Special Rapporteur went to the *favelas* of Largatixa and Pedreira, each of which is home to about 25,000 people: there he saw the work of a direct sales and solidarity project which had been launched by the People's Cooperation and Activities Centre which comprises a bakery, two shops selling essential goods and a sewing workshop.

VI. CONCLUSIONS AND RECOMMENDATIONS

74. At the end of his study, the Special Rapporteur notes that racism and racial discrimination in Brazil are not easy to pin down. These phenomena are subject to the vagaries of official statements. They are also concealed, to the point of being invisible, by biological and cultural intermingling. A degree of guile was necessary to draw from many of the official spokesmen a recognition of the existence of a cause-and-effect relationship between economic and social conditions, the marginalization and the poverty of Indians, people of mixed parentage and Blacks and the historical circumstances which underlie the origins of Brazil, in particular slavery and colonization. Only a political will stemming from a clear-sighted and courageous analysis of reality can break the vicious circle of racial discrimination through negation and make Brazil the great nation it aspires to be in the twenty-first century. Accordingly, the Special Rapporteur puts forward the following recommendations to the Brazilian authorities:

1. In the absence of special programmes for the benefit of disadvantaged ethnic and racial groups of the kind known in the United States as "affirmative action" (which several official spokesmen regarded as impracticable because the people of mixed parentage and the Blacks are not minorities and because economic and social problems affect all Brazilians without distinction of race), priority should be given to the education of the poorest who would be identified in terms of a minimum income level;

2. The situation of the street children should be studied as a matter of urgency in order to reintegrate them in normal social systems (schools, apprenticeship institutions) and enable them to escape crime and violence; in the same context, efforts should be made to disband the semi-official police organizations and the death squads which murder street children;

3. The Brazilian Government should undertake a major survey of the problem of the sterilization of Black women and on the effectiveness of the implementation of Act 229/91;

4. Campaigns should be conducted through the media and through the education system in order to improve the image of Blacks in Brazilian society and give Blacks, Amerindians and people of mixed parentage an awareness of their dignity as human individuals, to enable them to assert themselves and to participate fully in the life of the nation;

5. Vigorous action should be taken to eliminate racial discrimination in the field of employment, together with measures for the support of women of mixed parentage and Black women in particular, through an appropriate and determined process of education.

Notes

1/ E/CN.4/1994/66, paras. 9-31 and A/49/677, paras. 18-37.

2/ The Rapporteur will use either French or Brazilian terminology for subdivisions of regions or towns.

3/ In 1494, the kings of Spain and Portugal signed the Treaty of Tordesillas to define the territories under their respective sovereignty. This treaty established a notional line to the west of the Cape Verde islands. All the land to the east of that line belonged to Portugal and the land to the west belonged to Spain. Thus a small part of South America belonged to Portugal and was progressively enlarged to form Brazil.

4/ The sociologist Gilberto Freyre described this economic and social organization in his famous book Casa Grande y Senzala, 5th edition, Rio de Janeiro, José Olympio Editora, 1946.

5/ Communication dated 22 June 1995 from Mr. Marcelo Dias, Deputy in the Parliament of the State of Rio de Janeiro, President of the Commission on Human Rights of that State.

6/ See Initial Brazilian Report concerning the 1966 International Covenant on Civil and Political Rights, original version of the initial report of Brazil submitted to the Committee on Human Rights on 2 March 1995 which the Minister for Foreign Affairs transmitted to the Special Rapporteur during his mission; reference will be made in particular to the paragraphs dealing with children and adolescents (see document CCPR/C/81/Add.6, paras. 99-104). See also Ministerio Publico do Estado de São Paulo, Homicidios de crianças e adolescentes. Una contribuçao para a administraçao da justiça criminal em São Paulo, São Paulo, June 1995; Centre for the Mobilization of Marginalized Populations (CEAP), The killing of children and adolescents in Brazil, Rio de Janeiro, 1988; International Federation for Human Rights, Les assassinats d'enfants des rues à Rio de Janeiro et São Paulo, survey mission, December 1994.

7/ See the initial report of Brazil (CCPR/C/81/Add.6, paras. 90-107).

8/ Constitution of the Federative Republic of Brazil, 1988, edition updated in 1994 [text of 5 October 1988 incorporating amendments No. 1/92 to 4/93 and No. 1/94 to 6/94], French translation by J. Villemain, updated by J.F. Cleaver, Brasilia, Federal Senate, 1994.

9/ The "terreiro" is a place of worship serving an area roughly corresponding to a parish, according to Mr. Edson Lopes Cardoso, member of the Movimento Negro Unificado (discussion of 8 June 1995).

10/ The reference is to King Don Joao VI of Portugal who took refuge in Brazil following the occupation of his country by the armies of Napoleon.

11/ According to Mr. Euzébio Cardoso, Vice-President of the Olodum Cultural Association during a discussion on 12 June in Salvador da Bahia.

12/ During the period of slavery, revolts by African slaves were numerous, violent and organized, and fugitive Blacks organized independent communities, the *quilombos*, which were in some cases very long-lasting and were put down only after full-scale wars. Such was the case of the most famous of these communities, the Quilombo do Palmares, in the State of Alagoas, which kept its independence for 100 years before being destroyed.

13/ This was a legacy of Catholic theology which, as early as the sixteenth century, declared Blacks, Indians, people of mixed parentage, and also Jews, to be impure races. It must also be recalled that the first purpose of inter-breeding was not to achieve racial fusion but to increase the number of slaves at the disposal of an owner. On this subject see Maria Luiza T. Carneiro, O racismo na historia do Brasil. Mito e realidade, São Paulo, Editora Atica, 1994, p. 11.

14/ Discussion with Mr. Hernani Da Silva, of the Sociedade Cultural Missoes Quilombo, on 15 June in São Paolo.

15/ One only has to look at the Brazilian television channels and advertisement posters to realize that Blacks do not figure in the broadcasting and advertising media, except in football matches and variety programmes.

16/ Discussion with Mr. Joel Rufino dos Santos, Director of the Palmares Cultural Foundation, on 8 June 1995.

17/ Secretaria de justiça e direitos humanos, Conselho de Desenvolvimento da Comunidade Negra, A Lei e o Dierito Do Negro, vol. I, Salvador, November 1994.

18/ The facts are recounted in greater detail in the Jornal do Sindpol, the newspaper of the Civilian Police Public Service Union of the State of Pará, 3 January 1995. The Special Rapporteur also spoke to the victim to obtain confirmation of the facts.

19/ See the article entitled "Ruth critica modelo educacional", A Tarde, 14 June 1995.

20/ Figures published by Secretaria Nacional de Pesquisa e Desenvolvimento da Igualdade Racial (Força Sindical) in Cadernos de Formaçao. Sande e Meio Ambiente. Existe "Democracia Racial" Sem Igualdade Salarial? (n.d.)

21/ Figures made available by Mr. Domingos Dutra, Labour Party Deputy in the Federal Parliament, member of the Commission on Human Rights.

22/ Figures given in Cadernos de Formaçao, op. cit. (see note 20), p. 10.

23/ Ibid., p. 13.

24/ Information received from the Women's Municipal Council of Salvador da Bahia at the meeting of 12 June 1995.

25/ A communication from Deputy Domingos Dutra, referring to a study by the demographer E. Berquo, at the working meeting with the Congressional Commission on Human Rights, 8 June 1995.

26/ Information provided by the Women's Municipal Council of Salvador da Bahia at the meeting of 12 June 1995.

27/ According to the discussion which the Special Rapporteur had with representatives of the Movimento Negro Unificado in Brasilia on 8 June 1995.

28/ Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4 A), Geneva, ILO, 1995, p. 314, para. 2.

29/ Summary of the discussion which the Special Rapporteur had with Mr. José Carlos Seixas, Executive Secretary of the Ministry of Health on 8 June 1995.

30/ Public Prosecutor's Office of the State of São Paulo, Relatorio de pesquisa aplicada. Homicidio de criança e adolescentes, São Paulo, June 1995, p. 44.

31/ International Federation for Human Rights, Les assassinats d'enfants des rues à Rio de Janeiro et à São Paulo, Survey mission report, December 1994, p. 4.

32/ Communication from Mr. Marcelo Dias, Deputy at the Legislative Assembly of the State of Rio Janeiro, President of the Commission on Human Rights.

33/ See note 12 above.

34/ Communication from Federal Deputy Gilney Viana at the meeting of 8 June with the Commission on Human Rights of the Federal Congress.

35/ Excerpt from the newspaper O Estado de São Paulo of 21 April 1995 (fascicle No. 2) communicated to the Special Rapporteur by the Israelite Federation of the State of São Paulo.

36/ Pele made this statement on Saturday, 18 November when receiving a delegation from the Movimento Negro Unificado on the occasion of the celebration of the "300 years of immortality" of Zumbi do Palmares, the Black hero who resisted the invasion of Quilombo do Palmares which was destroyed in 1695 by the Portuguese (see note 12). See the article entitled "Pele's new goal to be President", Sunday Telegraph, 19 November 1995.

ANNEX 1

PROGRAMME OF THE SPECIAL RAPPORTEUR'S MISSION TO BRAZIL
6-17 June 1995

Tuesday, 6 June	(Brasilia)
	Arrival in Brasilia
Wednesday, 7 June	(Brasilia)
10.30 a.m.	Discussion with Mr. Edson Machado, Adviser to the Minister of Education
3.00 p.m.	Discussion with Mr. Antonio Augusto Anastasia, Executive Secretary of the Ministry of Labour
3.30 p.m.	Discussion with Mr. Nelson Jobim, Minister of Justice
4.00 p.m.	Discussion with Mr. José Eguren, Deputy UNDP Resident Representative
Thursday, 8 June	(Brasilia)
9.00 a.m.	Meeting with Mr. Edson Lopes Cardoso and Mrs. Jaura Silva, members of the Movimento Negro Unificado
11.30 a.m.	Discussion with Mr. José Carlos Seixas, Executive Secretary of the Ministry of Health
Noon	Discussion with Senator Beni Veras, President of the Commission for Social Affairs of the Senate
1.00 p.m.	Meeting with Mr. Nilmario Miranda, deputy, President of the Commission on Human Rights of Congress, and Mr. Roberto Valadao, Mr. Domingos Dutra and Mr. Gilney Viana, deputies, members of the Commission
3.30 p.m.	Discussion with Mr. Luiz Felipe Lampreia, Minister for Foreign Affairs
4.15 p.m.	Discussion with Mr. Paulo Sergio Pinheiro, Special Rapporteur on the situation of human rights in Burundi, and with Mr. Lindgren Alves, Chief of the Directorate of Human Rights, Ministry of Foreign Affairs, member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
6.00 p.m.	Discussion with Mr. Joel Rufino dos Santos, President of the Palmares Cultural Foundation (Ministry of Culture)

Friday, 9 June	(Brasilia)
10 a.m.	Discussion with Mr. Nilo Diniz and Mr. Ricardo Murta, adviser and Private Secretary to Senator Mrs. Marina Silva
11.30 a.m.	Discussion with Mr. José Sarney, President of Congress
3.00 p.m.	Discussion with Mrs. Valeria Getulio de Brito, National Movement for Human Rights
5.00 p.m.	Discussion with Mr. Cristovam Buarque, Governor of the Federal District of Brasilia
9.00 p.m.	Departure for Belem
Saturday, 10 June	(Belem)
9.00 a.m.	Meeting with Mrs. Edilamar Conceiçao, Centro de Estudios e Defesa do Negro do Pará (CEDENPA), Mr. Paulo Carvalho, Mr. Gean, Mr. Alexandre de Souza and Mr. Domingos, Grupo de Estudiantes Universitarios Negros (GEUN), and with Mrs. Maria Aparecida Santos Corrêa and Mr. Brasilino Corrêa, Bambarê-Arte e Cultura Negra
4.00 p.m.	Departure for Salvador da Bahia
Sunday, 11 June	(Salvador da Bahia)
	Free time
Monday, 12 June	(Salvador de Bahia)
8.00 a.m.	Discussion with Mr. Pedro Agostinho da Silva, Ethnologist, Professor at the State University of Bahia
9.00 a.m.	Discussion with Mr. Paulo Ganem Souto, Governor of the State of Bahia
10.30 a.m.	Meeting with *Mae* Hilda, *Terreiro* Ilá Axâ Jitolu, Mrs. Arani Santana Santos and Mr. Jonatas Conceiçao da Silva, Ilê Aiyê Cultural Association
3.00 p.m.	Discussion with Mr. Euzébio Cardoso, Vice-President, and Mr. Walmir França Santos, Cultural Affairs Adviser, Olodum Cultural Association
6.00 p.m.	Meeting with Mrs. Gleide Gurgel, President of the Municipal Women's Council of Salvador, and with Mrs. Yolanda Pires, Mrs. Marlene Batista, Mrs. Rebeca Lerravalle, Mrs. Jurenilda Carvalho, Mrs. Breuzo Maria Oliveira, Mrs. Uliraci Matilde, Mrs. Mary Fancia Costa, Mrs. Ana Montenegro, Mrs. Lucia Guedes Rias, and Mrs. Maria del Carmen Fidalgo, members of the Council

Tuesday, 13 June	(Salvador de Bahia)
10.00 a.m.	Meeting with Mr. Deoscoredes M. dos Santos, *Mestre Didi* of the Ilê Asipa Society and with Mrs. Juana E. dos Santos, Sociedad de Estudos da Cultura Negra no Brasil (SECNEB)
3.00 p.m.	Discussion with Mr. Luiz Antonio Vasconcellos Carreira, Secretary for the Plan, Science and Technology, State of Bahia
6.00 p.m.	Discussion with Mr. Edilson Souto Freire, Secretary for Education, State of Bahia
Wednesday, 14 June	(São Paulo)
10.20 a.m.	Departure for São Paulo
2.00 p.m.	Discussion with Mr. Guilherme dos Santos Barbosa, Anthropologist, Centro Afro-Brasileiro de Estudos e Pesquisas Culturais (CABEPE)
6.00 p.m.	Meeting with Mr. Belisario dos Santos, Secretary for Justice and for Public Security, State of São Paulo, Mr. Antonio Carlos Arruda, President of the Council for Black Community Participation and Development of the State of São Paulo, and Mr. Dermi Azevedo, representative of the State of São Paulo to the Council for the Defence of Human Rights
Thursday, 15 June	(São Paulo)
10.00 a.m.	Discussion with Mrs. Roseli Fischmann, Professor at the University of São Paulo
11.30 a.m.	Discussion with the Reverend Antonio Olimpio de Sant'Ana, Executive Secretary of the National Ecumenical Council for Combating Racism
2.00 p.m.	Discussion with Father Julio Renato Lancelotti, Casa Viva
4.00 p.m.	Meeting with Mr. Flavio Jorge, Soweto - Organizaçao Negra, and Mrs. Solimar Carneiro, Coordinator of Geledes - Instituto da Mulher Negra
6.30 p.m.	Meeting with Mr. Hernani Silva, of the Sociedade Cultural Missoes Quilombo, and Padre Luiz Fernando de Oliveira, Quilombo Central
Friday, 16 June	(Rio de Janeiro)
Noon	Departure for Rio de Janeiro

3.00 p.m.	Meeting with Mr. Ivanix dos Santos, Mr. Ele Semog and Mrs. Malu Carvalho, Centro de Articulaçaoes de Populaçoes Marginalizadas
5.00 p.m.	Discussion with Eliane Potiguara, Grupo Mulher e Educaçao Indigena (GRUMIN)
6.00 p.m.	Meeting with Mr. Alex Ferreira Magalhaes, National Adviser to the National Movement for Human Rights, and Miss Célia Regina do Nascimento Barbosa, Centre for Cooperation and Community Activities
Saturday, 17 June	(Rio de Janeiro)
2.00 p.m.	Visit to the *favelas* of Pedreira and Largatixa
5.00 p.m.	End of mission